

**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: **Adams Short Plat Amendment**

Proposal Address: 16415 SE 37th Ct (Lot 2),

Proposal Description: Application to amend a previously approved Conservation Short Plat to redesignate setbacks.

File Number: **21-101198-LF**

Applicant: MN Custom Homes, Joe Nasath

Decisions Included: Amendment to a previously approved Short Plat, Process II LUC 20.45A.270.D

Planner: Leah Chulsky, Associate Planner

State Environmental Policy Act **Exempt**

Director's Decision: **Approval with Conditions**

By: *Leah Chulsky, Land Use Planner*

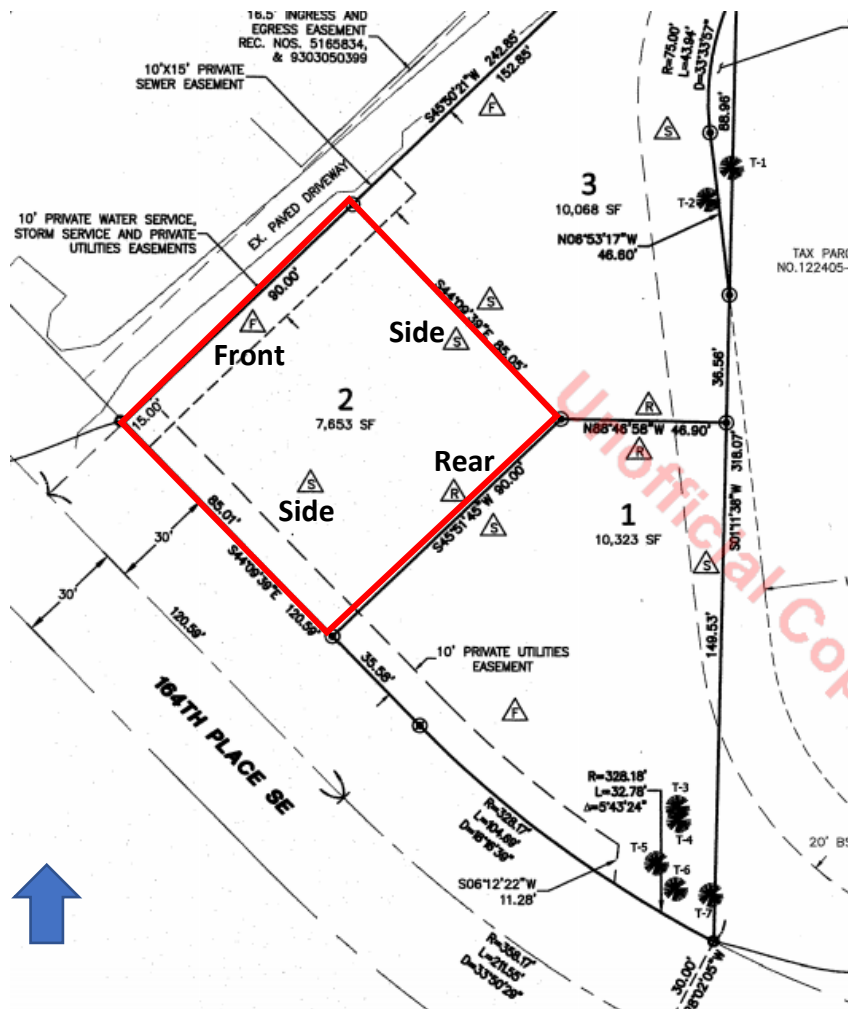
Leah Chulsky, Development Services Department

Application Date: January 11, 2021
Public Notice (500 feet): February 25, 2021
Minimum Comment Period: March 11, 2021
Decision Publication Date: April 15, 2021
Appeal Deadline: April 29, 2021

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.



**Previously Recorded Final Short Plat No. 20200929900013 -
Setback Designations on Lot 2**



II. Project History

The subject property (1645 SE 37th Court) was part of a previously approved Preliminary Conservation Short Plat (13-133420-LN) with final segregation of lots recorded under 18-108623-LF. Under the original approval for Lot 2, the front setback was off SE 37th Court (the northwestern property line) with the rear directly opposite (southwestern property line). No building permits have been issued for Lot 2. As part of the original approval (13-133420-LN), setbacks were reduced to:

Front – 10 feet
Rear – 15 feet
Minimum Side – 5 ft
2 Side Yards – 10 feet
Access Easement – 10 feet

This modification does not change the previously approved short plat. This modification only changes the designated setbacks as shown in the site plan in Section 1 above and puts the dimensions of the setbacks on the face of the plat. The dimensions of each setback remain the same as approved in the underlying Conservation Short Plat approval. **Refer to Conditions of Approval regarding Approval Limitations and Updated Short Plat Plan/Recording in Section VIII of this report.**

III. Proposed Site Design

The development site is square in shape surrounded by residential development and the site has not changed in configuration or size from the original short plat approval and recorded Final Short Plat No. 20200929900013. The site is part of the previously approved Adams Conservation Short Plat within the R-5 zoning district. While included within the Conservations Short Plat, the recorded Native Growth Protection Area is not located on Lot 2 nor is it directly adjacent to Lot 2. In addition, none of the trees required to be retained are located on Lot 2.

IV. Consistency with Land Use Code/Zoning Requirements

A. General Provisions of the Land Use Code

This site is located within an R-5 zoning district. Land Use Code (LUC) 20.10.440, permits single family within the R-5 zoning district. The proposal only changes the setback designations on Lot 2 and the short plat complies with the LUC development requirements and per the previously approved Conservation Subdivision 13-133420-LN as summarized below:

DIMENSIONS and AREAS

A. BASIC INFORMATION	
Zoning	R-5 / Single Family Residential
Gross Site Area – Lot 2	7,653 sq. ft.
ITEM	PREVIOUSLY APPROVAL 13-133420-LN
Dwelling Units/Acre	3.24 Units Per Acre, 3 Units Proposed
NGPA	374 square feet of Wetland Buffer
Lot Area	Lot 1 = 10,323 sq. ft., Lot 2 = 7,653 sq. ft. Lot 3 = 10,068 sq. ft.
Building Setbacks Recorded on the Plat	Front = 10 Feet Minimum Rear = 15 Feet Minimum Side = 5 Feet Minimum
Building Height	35-feet as measured from average existing grade to the highest ridge

V. Public Notice and Comment

Application Date:	January 11, 2021
Notice of Application:	February 25, 2021
Public Notice Sign:	February 25, 2021
Minimum Comment Period:	March 11, 2021

The applicant filed this application on January 25, 2021. The surrounding property owners were mailed a notice of the proposal on February 25, 2021 and one public information sign was installed that same day. The public comment period ended on March 11, 2021. At the time of this staff report, no public comments have been received regarding this proposal and there are no Parties of Record.

VI. Technical Review

The Departments of Transportation, Utilities, Fire, and Clear and Grade have all reviewed and approved the proposal without conditions.

VII. Applicable Decision Criteria (LUC 20.45A.270.D)

Amendment to a Recorded Short Plat: The Director may administratively approve or approve with modification an application for amendment to a final plat:

- 1. The proposed amendment to a final plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare; for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste, parks, playgrounds, sites for schools and school grounds;**

As previously approved and conditioned, the subdivision ensures the public health, safety, and general welfare through development codes requirements. The modification maintains the required site improvements per 13-133420-LN and reviewed and bonded for under 17-126257-GE. Lot 2 will maintain its existing access and approved dimensional requirements.

- 2. The public use and interest is served by the amendment**

The amendment for Lot 2 setback designations will be consistent with existing Land use Code definitions and requirements therefore serving the public interest by maintaining consistency within the R-5 zoning district.

3. The proposed amendment to a final plat appropriately considers the physical characteristics of the subdivision site;

The amendment considers the approved character of the Conservation Subdivision. This approval is not detrimental to the uses or property in the immediate vicinity as it maintains the existing single-family detached structures and use. The required setbacks dimensions required under 13-133420-LN are maintained and the development will be consistent with the other two lots in the subdivision.

4. The proposed amendment complies with all applicable provisions of the Land Use Code, the Bellevue City Code, and Chapter 58.17 RCW;

The amended short plat complies all requirements of the R-5 zoning district as modified under the previously approved Conservation Subdivision (13-133420-LN). The amendment is consistent with RCW 58.17 – Plats and Subdivisions. Any future building permits will be reviewed for consistency with all applicable Bellevue City Codes and Requirements. An updated plat showing the setback designations is required prior to issuance of a building permit for Lot 2. **Refer to Conditions of Approval regarding Approval Limitations and Updated Short Plat Plan/Recording in Section VIII of this report.**

5. The proposed amendment is consistent with the Comprehensive Plan, BCC Title 21; and

Lot 2 is located within the Eastgate Subarea and the Comprehensive Plan which specifies single-family high-density development at this site. The amended setback designations are consistent with these designations and ensure a development pattern consistent with Comp Plan requirements.

6. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance; however, requests for modifications to the requirements of Part 20.25H LUC, where allowed under the provisions of that part, may be considered together with an application for amendment to a final plat, provided the resulting lots may each be developed without individually requiring a variance.

The modified setback designation for Lot 2 complies with previous approvals and existing Land Use Code requirements. The setback dimensions under 13-133420-LN are maintained in addition to the density, lot coverage and impervious requirements. Only the setback designations

have changed. The amendment does not change the recorded NGPA in size or location and maintains previously approved tree retention. No Variance to development is approved or additional modification to and Critical Area requirement per LUC 20.25H.

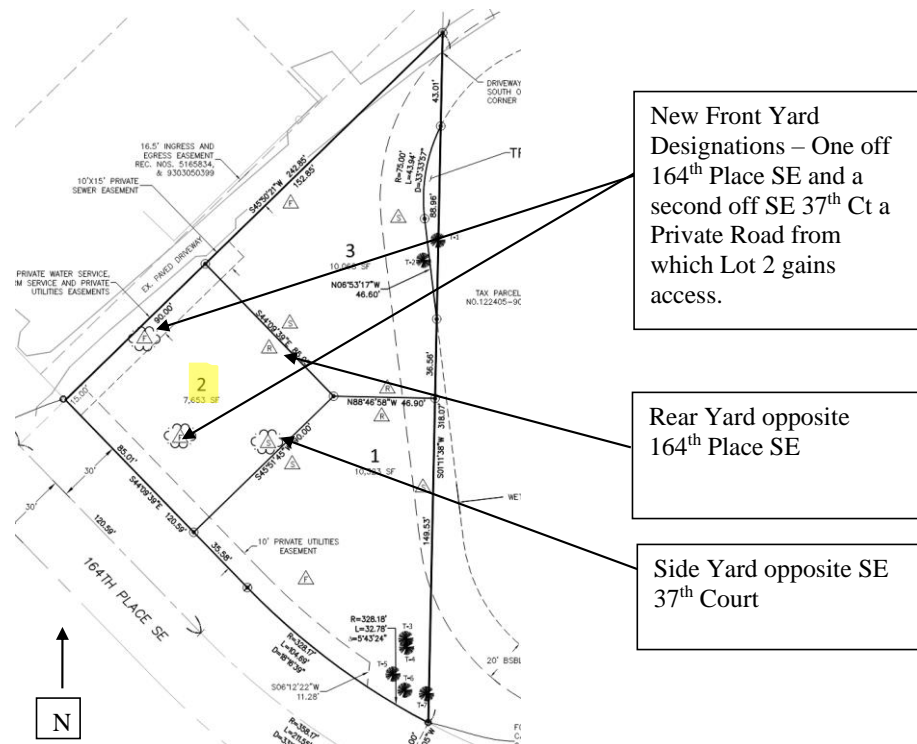
VIII. Decision of the Director/Conditions of Approval

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency and City Code review, the Development Services Department Director hereby grants this **approval with the following conditions.**

1. Approval Limitation

This approval is limited to the following address and permit number:

Lot 2 – 16415 SE 37th Court
as approved under 13-133420-LN



Authority: Land Use Code 20.45A.270, 20.45B.240
Reviewer: Leah Chulsky, Development Services Department

2. Updated Short Plat Plan/Recording

An updated plat plan showing the 1) revised setback designations and 2) the correct setback dimensions as approved in the Preliminary Conservation Short Plat approval 13-133420-LN and as approved by this amendment, shall be prepared in conformance with City of Bellevue and Washington Administrative Code (WAC) mapping standards and reviewed by Land Use prior to recording.

The applicant shall record the amended short plat as a supplemental declaration of short subdivision with the King County Recorder's Office prior to issuance of a building permit.

Authority: Land Use Code 20.45A.270, 20.45B.240
Reviewer: Leah Chulsky, Development Services Department